



Order Filed on January 27, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

LOWENSTEIN SANDLER LLP

Arielle B. Adler, Esq.
Bruce Buechler, Esq.
Joseph J. DiPasquale, Esq.
Jennifer B. Kimble, Esq.
Kenneth A. Rosen, Esq.
Mary E. Seymour, Esq.
One Lowenstein Drive
Roseland, New Jersey 07068
(973) 597-2500 (Telephone)
(973) 597-2400 (Facsimile)

Counsel to the Debtor and Debtor-in-Possession

In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,¹

Debtor.

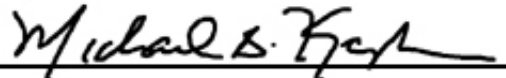
Chapter 11

Case No. 19-27439 (MBK)

SECOND ORDER GRANTING IN PART DEBTOR'S MOTION FOR ENTRY OF ONE OR MORE ORDERS APPROVING (I) VARIOUS SETTLEMENTS AND COMPROMISES BY AND AMONG THE DEBTOR, FAIRLEIGH DICKINSON UNIVERSITY AS PROJECT OWNER, AND CERTAIN SUBCONTRACTORS ON GO-FORWARD PROJECTS PURSUANT TO FED. R. BANKR. P. 9019; (II) TERMINATION OF CERTAIN PROJECTS BY AND BETWEEN THE DEBTOR AND FAIRLEIGH DICKINSON UNIVERSITY AND REJECTION OF ALL EXECUTORY CONTRACTS AND UNEXPIRED LEASES RELATED TO TERMINATED PROJECTS; AND (III) SETTLEMENT AND PAYMENT OF OUTSTANDING ACCOUNTS RECEIVABLE DUE TO DEBTOR

The relief set forth on the following pages, numbered two (2) through and including three (3), is hereby **ORDERED**.

DATED: January 27, 2020


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Page: 2

Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Second Order Granting In Part Debtor's Motion For Entry of One or More Orders Approving (I) Various Settlements and Compromises By and Among the Debtor, Fairleigh Dickinson University as Project Owner and Certain Contractors on Go-Forward Projects Pursuant to Fed. R. Bankr. P. 9019; (II) Termination of Certain Projects By and Between the Debtor and Fairleigh Dickinson University and Rejection of All Executory Contracts and Unexpired Leases Related to Terminated Projects; and (III) Settlement and Payment of Outstanding Accounts Receivable Due To Debtor*

THIS MATTER having been opened to the Court upon the Motion of the above-captioned debtor-in-possession (the “Debtor”) seeking the entry of one or more orders approving various settlements and compromises by and among the Debtor, Fairleigh Dickinson University (“FDU”) as project owner and certain subcontractors on Go-Forward Projects; termination and rejection of certain other projects between the Debtor and FDU; and the settlement and payment of outstanding accounts receivable due to the Debtor from FDU pursuant to Fed. R. Bankr. P. 9019 (the “Motion”)²; and the Court having considered the Motion and any objections filed thereto, and the Court having jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey, dated September 18, 2012 (Simandle, C.J.); and venue being proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and the Motion determined to be a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having determined that granting the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors; and the Court having conducted a hearing on the Motion, at which time the Court heard and considered all oral argument of counsel; and the Debtor having filed a Notice of Filing of Executed Settlement Agreements By and Among the Debtor, Fairleigh Dickinson University as Project Owner, and Certain Subcontractors on Three of the Go-Forward Projects on January 24, 2020 [Docket No. 852](the “Notice”); and good and sufficient notice of the Motion having been provided to all interested parties, and for good cause shown,

² Capitalized terms not defined in this Order shall have the meanings ascribed to them in the Motion.

Page: 3

Debtors: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Second Order Granting In Part Debtor's Motion For Entry of One or More Orders Approving (I) Various Settlements and Compromises By and Among the Debtor, Fairleigh Dickinson University as Project Owner and Certain Contractors on Go-Forward Projects Pursuant to Fed. R. Bankr. P. 9019; (II) Termination of Certain Projects By and Between the Debtor and Fairleigh Dickinson University and Rejection of All Executory Contracts and Unexpired Leases Related to Terminated Projects; and (III) Settlement and Payment of Outstanding Accounts Receivable Due To Debtor*

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED** in part as set forth herein.
2. The Settlement Agreements for the Go-Forward Projects attached as Exhibits A through C on the Notice (and attached to the Motion as Exhibits E through G) for the Dishwasher Project, the Bancroft Roof Project and the M33 Repair Project are hereby approved.
3. The Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order and to effectuate the Settlement Agreements for the Go-Forward Projects identified on Exhibits A through C of the Notice for the Dishwasher Project, Bancroft Roof Project and the M33 Repair Project.
4. This Order shall be effective immediately upon its entry and the stay imposed by Bankruptcy Rule 6004(h) and/or 6006(b) or any other Rule are hereby waived.
5. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.
6. The Court shall retain exclusive jurisdiction to hear and decide any and all disputes or issues related to or arising from the implementation, interpretation or enforcement of this Order.